

## **REMARKS**

Please reconsider the present application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering the present application and indicating that claims 2, 6, and 10 contain allowable subject matter.

### **I. Disposition of Claims**

Claims 1-10, 13, and 14 are currently pending in the present application. By way of this reply, new claim 15 has been added.

### **II. New Claim**

New claim 15, which depends from independent claim 13, has been added. No new matter has been added by way of new claim 15 as support for new claim 15 may be found, for example, in original claim 3.

### **III. Rejection(s) Under 35 U.S.C § 103**

Claims 1, 3-5, 7-9, 13, and 14 of the present application were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0074642 (hereinafter "Haritsa") in view of Applicant's Admitted Prior Art. However, at least for the following reasons, this rejection is improper.

Haritsa, which is relied upon for rejecting claims 1, 3-5, 7-9, 13, and 14 of the present application, is prior art to the present application under 35 U.S.C. § 102(e)(1). Therefore, because (i) Haritsa is prior art to the present application under 35 U.S.C. §

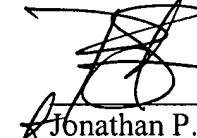
102(e) and (ii) both Haritsa, as indicated on the face of the publication, and the present application, by way of an Assignment recorded at Reel 012339, Frame 0571, are assigned to Sun Microsystems, Inc., Haritsa cannot be used in an obviousness rejection under 35 U.S.C. § 103(c) (as amended by the AIPA and applicable to all applications filed on or after November 29, 1999). Accordingly, the use of Haritsa in an obviousness rejection of the claims of the present application is improper, and withdrawal of the rejections of claims 1, 3-5, 7-9, 13, and 14 is respectfully requested.

#### IV. Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226.136001;P6821).

Date: 6/25/04

Respectfully submitted,

  
Jonathan P. Osha, Reg. No. 33,986  
OSHA & MAY L.L.P.  
1221 McKinney Street, Suite 2800  
Houston, TX 77010

Telephone: (713) 228-8600

Facsimile: (713) 228-8778